

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

U.S. District Court
Wisconsin Eastern

SEP 16 2019

FILED
Stephen C. Dries, Clerk

United States of America

v.

Case No.

DEREK A. LIEBERGEN dob xx-xx-93

19-M-730

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2019 in the county of Outagamie in the
Eastern District of Wisconsin & elsewhere, the defendant(s) violated:

Code Section

Offense Description

Title 21, United States Code,
Sections 841(a)(1), 841(b)(1)(A),
and 846.possessed with intent to distribute in excess of 500 grams of a mixture and
substance containing a detectable amount of methamphetamine.Title 18, United States Code,
Section 924(c).knowingly possessed a firearm in furtherance of the drug trafficking crime
charged.

This criminal complaint is based on these facts:

See Attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

BCDTF NI KYLE MASON

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/16/19

Judge's signature

City and state:

Green Bay, Wisconsin

Honorable Jame R. Sickel

Printed name and title

U.S. Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT

Kyle Mason, being first duly sworn, states that:

Background

1. I am currently employed as a Narcotics Investigator with the Brown County Drug Task Force (BCDTF) and have been so employed since September 2015. I have been a law enforcement officer since 2013. As a part of my current duties as a BCDTF NI, I investigate both state and federal drug cases including violations of Title 21 of the U.S. Code. I have also assisted with investigations involving violations of federal firearms laws and money laundering laws (Title 18, United States Code, §§ 922, and 924 and Title 18, United States Code, §§ 1956 and 1957) and other related offenses. I have received prior training in the investigation of these offenses.

Basis for Information in Affidavit

2. The information contained in this affidavit is based upon my personal knowledge and investigation, and information supplied to me by other law enforcement officers including the Brown County Drug Task Force (BCDTF), Lake Winnebago Area Meg Unit (LWAM), Drug Enforcement Administration, Federal Bureau of Investigation, and Wisconsin Department of Justice- Criminal Investigation Bureau, all of whom I believe to be truthful and reliable. Based on my investigation and the information supplied to me by other law enforcement personnel, I have probable cause to believe the following regarding Derek A. Liebergen d.o.b. XX/XX/93.

Facts Establishing Probable Cause

3. On or about September 9, 2019, I am aware that law enforcement met with a confidential source (CS) concerning Derek Liebergen. The CS advised that the CS had purchased large quantities of methamphetamine from Liebergen on multiple occasions in the recent past. The

CS advised that Liebergen would travel from out of state to Appleton, Wisconsin area with a large amount of meth. Liebergen would rent a hotel room in the Appleton area and then sell multiple pounds of methamphetamine from his hotel room. The CS advised that Liebergen would be traveling to the Appleton area on or about September 11, 2019, with a large amount of methamphetamine.

4. I am aware that law enforcement confirmed that on September 11, 2019, Derek Liebergen rented a hotel room at Wingate by Wyndham in Appleton. At one point that day, law enforcement observed Liebergen exit his hotel room. He was arrested in the hotel lobby area and searched resulting in the seizure of a black and silver Ruger handgun from his pocket. I assisted in writing a search warrant for his hotel room. After the search warrant was approved by a state court judge, I assisted in the search of the hotel room resulting in the recovery of approximately 60 pounds of methamphetamine and one kilogram of a substance believed to be heroin/fentanyl.

5. Law enforcement interviewed Liebergen, following his arrest, after reading him his *Miranda* Rights. Liebergen waived those rights and admitted he traveled from Missouri to Wisconsin with a large amount of methamphetamine that was later seized by law enforcement. Liebergen stated his intent was to sell the methamphetamine and pay off an existing drug debt to his supplier.

6. Based upon the foregoing information, I know there is probable cause to believe that Derek Liebergen possessed with intent to distribute in excess of 500 grams of a mixture and substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846..

7. Because this affidavit is offered for the limited purpose of supporting the criminal

complaint and arrest warrant for Derek Liebergen, I have not set forth every fact known to me regarding this incident. Rather, I have included only those facts which I believe establish probable cause.

 #1340

Affiant NI Kyle Mason
Brown County Drug Task Force

Subscribed and sworn to before me
this 16 day of September, 2019.


Notary Public

My commission expires: 